

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PHYSICIANS HEALTHSOURCE, INC.,
an Ohio Corporation, individually and as the
representative of a class of similarly-situated
persons,

Plaintiff,

v.

CEPHALON, INC., CEPHALON CLINICAL
PARTNERS, L.P., CEPHALON
DEVELOPMENT CORPORATION,
SCIMEDICA GROUP, LLC,
SCIMEDICA GROUP MARKETING
RESEARCH AND CONSULTING, LLC
AND JOHN DOES 1-10,

Defendants.

CIVIL ACTION

No. 2:12-cv-03753 (LDD)

[ELECTRONICALLY FILED]

**DEFENDANTS CEPHALON, INC., CEPHALON CLINICAL PARTNERS, L.P., AND
CEPHALON DEVELOPMENT CORPORATION'S MOTION TO DISMISS FOR LACK
OF STANDING OR, IN THE ALTERNATIVE, TO LIMIT STANDING**

Defendants, Cephalon, Inc., Cephalon Clinical Partners, L.P. and Cephalon Development Corporation (collectively, "Cephalon") through their undersigned counsel, respectfully move this Court, pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure and the Court's November 15, 2012 Amended Scheduling Order, to dismiss all claims set forth in the Complaint filed in the above captioned action by Plaintiff, Physicians HealthSource, Inc. ("Plaintiff"). In the alternative, Cephalon moves this Court to limit Plaintiff's standing to the two faxes it alleges to have received. The reasons in support of this Motion are set forth in the accompanying Memorandum of Law, which is incorporated herein by reference.

STEVENS & LEE, P.C.

Dated: December 6, 2012

By: /s/ Joseph E. Wolfson

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Cephalon Clinical Partners, L.P. and
Cephalon Development Corporation*

CERTIFICATE OF SERVICE

I, Nicholas H. Pennington, Esquire, certify that on this date, the foregoing Motion to Dismiss and supporting Memorandum of Law has been filed electronically, and is available for viewing and downloading from the ECF System, and has been served via the Court's electronic filing service on all counsel of record.

/s/ Nicholas H. Pennington

Nicholas H. Pennington

Date: December 6, 2012